

Serial No.
08/935,116

PATENT APPLICATION
065525.0121

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C8
end
using said database to effect customer services which include targeted marketing and/or promotions, said using step including the step of analyzing said transaction data of the customer.

REMARKS

Claims 8-11 have been amended, and Claims 12-16 have been added. Claims 8-16 are thus present in this application.

The present application is part of a group of related patent applications, which have all been examined by Examiner Chung-Trans. As a result, the Examiner should be aware that a number of those related patent applications are already involved in an interference (Interference No. 104,208, assigned to Administrative Patent Judge Jameson Lee, telephone number 703-308-9797). Examiner Chung-Trans is hereby advised that **Applicants have filed a motion requesting that APJ Lee bring the present application into the interference.** That motion is now pending before APJ Lee, and a copy of that motion is attached to this Amendment as a courtesy to the Examiner. Two related motions in the interference each propose the addition to the interference of a respective additional count, and the Examiner is advised that these **two proposed counts in the interference are exactly identical to new independent Claims 16 and 17 of the present application.** As a courtesy to the Examiner, the enclosures to this Amendment include copies of each of these two additional motions, which are also currently pending before APJ Lee. In view of these three pending motions in the interference **it is respectfully requested that Examiner Chung-Trans delay further action in the present application until a decision is made by APJ Lee regarding whether the present application will be brought into the interference.**

Turning to the pending Office Action, Claims 8-11 were rejected under 35 USC §102(b) as anticipated by Schultz U.S. Patent No. 5,056,019. It is respectfully submitted, however, that **the Schultz '019 patent is not effective prior art with respect to the present application.** More specifically, the attention of the Examiner is directed to the Application Transmittal document which was submitted on September 22, 1997 in order to effect filing of the present continuation application under former Rule 60 (37 CFR §1.60). Referring to the middle of page 3 of this Transmittal, the Transmittal amends page 1 of the specification to indicate that the present

application is in a chain of continuations which includes three prior applications, namely U.S. Serial No. 08/117,951 filed August 30, 1993, which is a continuation of U.S. Serial No. 07/826,255 filed January 24, 1992, which is a continuation of U.S. Serial No. 07/345,475 filed May 1, 1989. Thus, pursuant to 35 USC §120, the present application has an effective filing date of May 1, 1989 (which is the filing date of parent application U.S. Serial No. 07/345,475). In contrast, the Schultz patent issued on October 8, 1991, from an application filed on August 29, 1989, and both dates are subsequent to the present application's effective filing date of May 1, 1989. Consequently, it is respectfully submitted that the Schultz patent is not effective prior art with respect to the present application. It is therefore respectfully submitted that the rejection based on Schultz is necessarily invalid. Independent Claims 8-11 have not been rejected on any other ground. Accordingly, it is respectfully submitted that Claims 8-11, in the form considered by the Examiner, are each allowable over the art of record. In addition, it is respectfully submitted that the foregoing amendments to Claims 8-11 do not change the allowability of these claims, for reasons discussed below.

More specifically, in order to more accurately define the subject matter which Applicants regard as their invention, Applicants have elected to amend Claims 8-11. As discussed below, these amendments have the effect of narrowing Claims 8-11, and thus do not affect the allowability of these claims. It is believed that a brief technical discussion of the subject matter added to Claims 8-11 will be helpful. With reference to the embodiment disclosed in the present application, the Examiner's attention is first directed to Figure 2A, where it will be noted that the first line of the point-of-sale display 124 reads "POS D1 W3 T17". Each time the cashier enters a customer identification number and requests verification of that customer's status (for example to determine if the customer has a "positive" status which allows the customer to pay by check), the system will send to the point-of-sale a customer information response, which includes information that is displayed on the display 124. If that particular customer currently has a "positive" status, the information from the customer information response that is presented on the first line of display 124 will be equivalent to the information "POS D1 W3 T17" (which is shown in Figure 2A).

In more detail, the cashier initiates the verification function by using the function key "FUN" (Figure 2A) to facilitate entry of the function code F55 for the verification function. The verification function F55 is summarized in Table 4 at the top of page 124 of the specification. It will be noted from Table 4 that, if the current customer's status is "positive", the displayed information will include "POS Dhicnt Whitcnt Thitcnt", which is the generic representation of the specific information "POS D1 W3 T17" shown in Figure 2A. In this specific information "POS D1 W3 T17", the term "POS" tells the cashier that this particular customer currently has a "positive" status, the term "D1" tells the cashier that this customer has had one (1) check-cashing transaction during the past 24-hour day (D), the term "W3" tells the cashier that this customer has had three (3) transactions during the past 7-day week (W), and the term "T17" tells the cashier that this customer has had a total (T) of seventeen (17) transactions since the system started tracking the customer. In other words, and as discussed at lines 1-8 on page 37, "DWT" information such as "D1 W3 T17" indicates the frequency of the customer's transactions. The present application thus teaches that this "transaction frequency" information is automatically presented to the cashier by the display 124 each time the cashier carries out the verification function F55 for a customer with "positive" status.

In the text which appears at lines 4-12 on page 11 of the specification for the present application, the following statement is made with respect to transactional frequency information of the type discussed above:

Moreover, because the check transactional data is generated and maintained locally, it provides significant information about the store's customers over and above the information necessary for check verification risk management. New customers are readily identified, and frequency and dollar volume information may be used to establish customer profiles and to target advertising, marketing and promotional programs, and for other customer relations purposes.

Thus, the present application not only teaches that transactional frequency information (such as "D1 W3 T17") is automatically presented to the cashier by point-of-sale display 124 during every transaction involving verification for a customer with positive status, but also expressly states

that this transactional "frequency . . . information may be used . . . to target advertising, marketing and promotional programs". In fact, the present application repeatedly emphasizes that an important purpose of the present invention is the collection of information useful for targeted marketing and promotions. (For example, see lines 4-9 on page 1, lines 12-16 on page 2, lines 1-2 on page 5, lines 24-27 on page 6, lines 8-12 on page 11, lines 8-11 on page 13, and lines 22-26 on page 59). With respect to certain forms of the present invention, Applicants believe that one important aspect is the provision, to the point-of sale, of information which is capable of being used for a targeted promotion to the customer (as discussed above). Therefore, in order to more clearly define the specific embodiments of the invention which are respectively recited in Claims 8-11, Claims 8-11 have each been amended to add thereto a limitation which recites the provision, to the point-of-sale, of information capable of being used to effect a targeted promotion.

It will be recognized that the foregoing discussion of the disclosed embodiment has been provided in order to facilitate a clear understanding of the basis for the amendments to Claims 8-11, and is not intended to lead to any restriction in the interpretation of the scope of the claims. Other minor amendments have been made to Claims 8-11, but merely correct grammatical or spelling errors, or eliminate problems of antecedent relationship (for example between the terms "response" and "signal"). As discussed above, it is respectfully submitted that Claims 8-11 (in the form considered by the Examiner) are each allowable over the art of record. In addition, it is respectfully submitted that the foregoing amendments to Claims 8-11 merely narrow these claims, and thus do not change the allowability thereof. It is therefore respectfully submitted that Claims 8-11, as amended, are allowable.

New Claims 12-14 each depend from a respective one of independent Claims 8-10. Therefore, since Claims 8-10 are believed to be allowable, Claims 12-14 should also be allowable, for example for the same reasons as Claims 8-10.

New independent Claim 16 recites a method, in which a database is maintained by correlating data from prior customer transactions with a unique customer identification code, and in which, following entry of the customer identification code at a point-of-sale terminal during a current transaction, the prior transaction data in the database is analyzed and used to provide a response at the terminal during the same transaction, the response including information which can

be used for a targeted promotion. It is respectfully submitted that the references of record do not teach the analysis of prior transaction data of a customer while the customer is at a point-of-sale terminal, in conjunction with the provision to the terminal during that same transaction of a response which is a function of the data from prior transactions and which includes information that can be used to effect a targeted promotion to the customer. Independent Claim 16 is therefore believed to be allowable over the art of record.

New independent Claim 17 recites a method, in which a database is maintained by correlating prior transaction data of a customer with a unique identification code of the customer, and in which the database is used to effect customer services which include targeted marketing and/or promotions, the account number being obtained from a payment instrument presented by a customer at a point-of-sale. It is respectfully submitted that the art of record does not teach or suggest the use of an account number from a payment instrument for the specific purpose of maintaining a database which includes data from prior transactions of the customer and which is used to effect targeted marketing and/or promotions. Independent Claim 17 is therefore believed to be patentable over the art of record.

Applicants are enclosing an Information Disclosure Statement, along with the fee for submitting an Information Disclosure Statement at this point in the examination process. The Information Disclosure Statement lists some documents which were cited in the parent of the present application. Examiner Chung-Trans is handling the parent application, and is thus already familiar with these documents, but it is believed appropriate to have this reflected on an initialed copy of Form PTO-1449 in the present application. The Information Disclosure Statement also lists some documents which are not yet of record in the present application or in the parent application, including documents cited during examination of related U.S. and foreign patent applications. These documents are believed to add nothing to the teachings of the references of record with respect to the subject matter recited in the claims of the present application, but they are being submitted for purposes of completeness, and pursuant to the duty of disclosure.

In view of the foregoing, it is respectfully submitted that there has been no valid rejection of any claims on the merits, and that the claims of the present application are all in proper condition for allowance. Favorable reconsideration of the present application is therefore

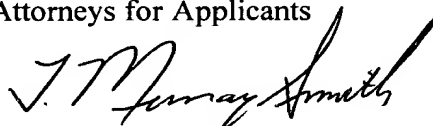
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respectfully requested. However, for reasons discussed above, it is also respectfully requested that the Examiner delay reconsideration of the present application until Administrative Patent Judge Lee decides whether the present application will be brought into the ongoing interference.

Respectfully submitted,
BAKER & BOTTS, L.L.P.
Attorneys for Applicants



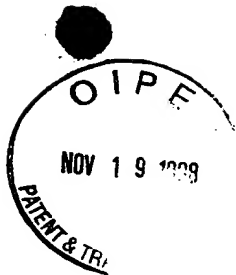
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Date: November 19, 1998

Express Mail No. TB803030305US

Enclosures: Copy of Preliminary Motions 2, 3 and 4
from Interference No. 104,208
Amendment Transmittal Form
Time Extension Request
Supplemental Information Disclosure
Statement, with enclosures
Three Checks (\$78, \$190, \$240)
Acknowledgment Post Card



BOX INTERFERENCE

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Application Serial No. 08/935,116, filed September 22, 1997

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Judge Jameson Lee)

DAVID W. DEATON and RODNEY G. GABRIEL
Junior Party,

v.

MICHAEL R. O'BRIEN, GEORGE W. OFF and
TIMOTHY L. CHERNEY
Senior Party.

Patent Interference No. 104,208

COPY

DEATON MISCELLANEOUS MOTION 2
(request for addition of application under 37 C.F.R. § 1.642)



PRECISE RELIEF REQUESTED

Under the provisions of 37 C.F.R. § 1.642, it is requested that U.S. Patent Application Serial No. 08/935,116, filed September 22, 1997, by Junior Party Deaton et al. (hereinafter "Deaton"), be added to this Interference.

MATERIAL FACTS

1. Application Serial No. 08/935,116 is a continuation of Application Serial No. 08/117,951, filed August 30, 1993, which is a File Wrapper Continuation of U.S. Patent Application Serial No. 07/826,255, filed January 24, 1992, now abandoned, which is a File Wrapper Continuation of U.S. Patent Application Serial No. 07/345,475, filed May 1, 1989, now abandoned.
2. Copies of the file histories of Applications 08/935,116 and 08/117,951 are being provided to counsel for O'Brien with the service copies of this motion. The file histories of Application Serial Nos. 07/826,255 and 07/345,475 were previously available to O'Brien.
3. An amendment in Application Serial No. 08/935,116 is being filed concurrently herewith, and a copy thereof is submitted as Appendix I to this Motion.
4. It is suggested that pending Claims 8 to 15 of Application Serial No. 08/935,116 be designated as corresponding substantially to the Count, and, as set forth in Deaton Preliminary Motion 3, as corresponding exactly or substantially to Proposed Count I. It is further suggested that Claim 16 of Application Serial No. 08/935,116 be designated as corresponding exactly to Proposed Count II (see Deaton Preliminary Motion 4).

Status of Application Serial No. 08/935,116

5. Claims 8 to 11 were pending in this application prior to the concurrent amendment. In an Office Action dated June 29, 1998, Examiner Xuong M. Chung-Trans rejected all pending claims as anticipated under 35 U.S.C. § 102(b) by Schultz et al. U.S. Patent 5,056,019.

6. The outstanding rejection is improper because the Application and claims are entitled to the May 1, 1989, filing date of Application Serial No. 07/345,475. This filing date is prior to the filing date of Schultz et al. U.S. Patent 5,056,019.

7. By concurrent amendment Claims 12-16 are being added to Application Serial No. 08/935,116.

REASONS WHY REQUESTED RELIEF SHOULD BE GRANTED

Claims 8-15 of Application Serial No. 08/935,116, which are set forth in Appendix I hereto, claim a method and system for accumulating customer transaction data in a database from customer identification data and transaction data gathered at a terminal and effectuating promotion on the basis thereof. The system provides a customer response at the point of sale during a customer's transaction, including information useful for effectuating targeted customer promotion, wherein the customer response is a function of prior transaction data in the database for that individual customer.

While Claims 8-15 of Application Serial No. 08/935,116 are broader than the Count in some aspects, they relate to the same patentable invention. The Count differs in specifying additional limitations with respect to providing (1) apparatus for entering indicia from instruments presented by a customer; (2) a bar code reader for detecting universal product codes on products

purchased; and (3) the specification of specific criteria for generating the customer response signal. Each of these factors is incidental to and consistent with the main thrust of the invention, which is the automatic creation of a customer database and the analysis of data in the database during a customer transaction in response to entry of customer identification to effectuate promotion and/or incentives to the customer and provide a notice at the terminal which is a function of the data in the database for an individual customer. Claim 15 of Application Serial No. 08/935,116 corresponds exactly to Proposed Count I (see Deaton Preliminary Motion 3). Claims 8-14 of Application Serial No. 08/935,116 correspond substantially to Proposed Count I.

Claim 16, added to Application Serial No. 08/935,116, corresponds exactly to Proposed Count II, which is proposed to be added in Deaton Preliminary Motion 4. Claim 16 also corresponds substantially to O'Brien Claim 46 and claims of Deaton U.S. Patent 5,621,812 (DP4) and Deaton U.S. Patent 5,380,165 (DP8). Claim 16 specifies a method for providing services or promotions to customers in a retail establishment wherein an account number from a payment instrument is used as a unique identification code for a customer for correlating customer transaction data in a database. The database is used to effectuate customer services, including targeted marketing or promotion, based on an analysis of the transaction data for a customer.

As set forth in Deaton Preliminary Motion 4, Claim 16 defines a novel, unobvious, and advantageous method for accumulating a database using a payment instrument, without the inconvenience to the customer of having to apply for and obtain a store-specific identification. Gathering of customer transaction data is achieved completely without the cooperation of the customer.

CONCLUSION

In view of the foregoing and in view of the fact that the patentability of the claims of Deaton Application Serial No. 08/935,116 may be affected by the outcome of this Interference, it is respectfully requested that the Administrative Patent Judge add Application Serial No. 08/935,116 to this Interference under the provisions of 37 C.F.R. § 1.642.

For purposes of 37 C.F.R. § 1.602(b), Application Serial No. 08/935,116 was assigned to Inter*Act Systems, Incorporated, Norwalk, Connecticut. The Assignment is dated May 27, 1998, and was submitted to the Patent and Trademark Office for recording on or shortly after that date.

Respectfully submitted,

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U.S. Patent Nos. 5,649,114; 5,592,560; 5,687,322;
5,621,812; 5,327,508; 5,642,485; 5,644,723; 5,388,165;
5,659,469; 5,638,457; and 5,201,010 (DP1 through DP11)

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Judge Jameson Lee)

DAVID W. DEATON and RODNEY G. GABRIEL
Junior Party,

v.

MICHAEL R. O'BRIEN, GEORGE W. OFF and
TIMOTHY L. CHERNEY
Senior Party.

Patent Interference No. 104,208

COPY

DEATON PRELIMINARY MOTION 3

(to redefine the interfering subject matter by substituting Proposed Count I for the Count)

PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 1.633(c)(1), Junior Party Deaton et al. (hereinafter "Deaton") moves to substitute the following Proposed Count I for the Count presently in Interference.

Proposed Count I

A method for providing customer services in a retail establishment, comprising the steps of:

entering into a point-of-sale terminal a unique identification code for a customer;

entering into said terminal transaction data relating to the customer's shopping transactions;

generating and maintaining a database, including the step of correlating said transaction data with said unique identification code;

responding to entry, during a current transaction, of said unique identification code for a customer by analyzing said transaction data of the customer, including data in said database from prior transactions, with or without data from the current transaction, in order to generate a response which is a function of said data in said database from prior transactions, and by supplying said response to said terminal during said current transaction in which said unique identification code is entered, said response including information for effecting a targeted promotion to the customer.

**DESIGNATION OF CLAIMS CORRESPONDING AND
NOT CORRESPONDING TO PROPOSED COUNT I**

Deaton proposes designation of claims as follows:

Senior Party O'Brien et al. (hereinafter "O'Brien") U.S. Application Serial No. 08/498,654, Claims 1, 3-6, 8, 10, 13-19, 23, 24, 27-35, 37-45, 47-55, and 60, should be designated as corresponding substantially to Proposed Count I.

O'Brien U.S. Application Serial No. 08/498,654, Claims 12, 20, 21, 25, 26, 36, 46 56-59, and 61-67, should be designated as not corresponding to Proposed Count I.

Deaton U.S. Application Serial No. 08/935,116, Claim 15, should be designated as corresponding exactly to Proposed Count I.

Deaton U.S. Patent 5,621,812 (DP4), Claims 1, 11, 63, 69-76, 78-81, and 88-90; U.S. Patent 5,388,165 (DP8), Claims 1, 3-11, and 16; and U.S. Application Serial No. 08/935,116, Claims 8-14, should be designated as corresponding substantially to Proposed Count I.

Deaton U.S. Patent 5,621,812 (DP4), Claims 2-10, 12-62, 64-68, 77, 82-87, and 91; U.S. Patent 5,388,165 (DP8), Claims 2 and 12-15, and U.S. Application Serial No. 08/935,116, Claim 16, should be designated as not corresponding to Proposed Count I.

The Claims of the remaining Deaton U.S. Patents in interference should be designated as not corresponding to Proposed Count I.

EVIDENCE RELIED UPON IN SUPPORT OF THIS MOTION

1. Deaton Exhibit 1001. Article "A New Dimension in Marketing," Progressive Grocer, May 1987.

2. Deaton Exhibit 1002. Amendment dated April 23, 1996 in Application Serial No. 457,299 (DP1).
3. Deaton Exhibit 1003. Office Action dated June 24, 1996 in Application Serial No. 457,299 (DP1).
4. Deaton Exhibit 1004. Supplemental Amendment dated October 21, 1996 in Application Serial No. 457,299 (DP1).
5. Deaton Exhibit 1005. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 457,299 (DP1).
6. Deaton Exhibit 1006. Amendment dated April 23, 1996 in Application Serial No. 457,300 (DP3).
7. Deaton Exhibit 1007. Office Action dated June 24, 1996 in Application Serial No. 457,300 (DP3).
8. Deaton Exhibit 1008. Supplemental Amendment dated October 21, 1996 in Application Serial No. 457,300 (DP3).
9. Deaton Exhibit 1009. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 457,300 (DP3).
10. Deaton Exhibit 1010. Amendment dated April 23, 1996 in Application Serial No. 458,172 (DP6).
11. Deaton Exhibit 1011. Office Action dated June 24, 1996 in Application Serial No. 458,172 (DP6).
12. Deaton Exhibit 1012. Supplemental Amendment dated October 21, 1996 in Application Serial No. 458,172 (DP6).

13. Deaton Exhibit 1013. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 458,172 (DP6).

14. Deaton Exhibit 1014. Amendment dated May 9, 1994 in Application Serial No. 178,052 (DP7).

15. Deaton Exhibit 1015. Office Action dated June 18, 1996 in Application Serial No. 178,052 (DP7).

16. Deaton Exhibit 1016. Supplemental Amendment dated October 21, 1996 in Application Serial No. 178,052 (DP7).

17. Deaton Exhibit 1017. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 178,052 (DP7).

FACTS IN SUPPORT OF SUBSTITUTION OF PROPOSED COUNT I

1. The Present Count in Interference is narrower than many of the claims of both the Deaton Patents and the O'Brien Application that are designated as corresponding to the Count. The specific limitations of the Count which are not included in all the claims corresponding to the Count are enumerated below with respect to exemplary corresponding claims.

2. The Present Count specifies a system that includes a bar code reader for reading universal product codes of products purchased by a customer. This limitation is not included in the following claims now designated as corresponding substantially to the Count:

O'Brien: Claims 66 and 67

DP1: Claims 1-11 and 15-23

DP2: Claims 14-17

DP4: Claims 21-36, 38-44, 46-70, 72-76, 78-87, and 91

DP7: Claims 1-13 and 17-25

DP10: Claims 1-18

DP11: Claims 1-8, 10-16, 18-23, and 26-41

3. The Count requires that the centralized database include transaction data "up to and including the current visit." This limitation is not included in the following claims now designated as corresponding substantially to the Count:

O'Brien: Claims 1, 3-6, 8, 10-16, 17-20, 21, 23, 24, 28-35, 37-43, and 45-67

DP1: Claims 1-11 and 15-23

DP2: Claims 1-25

DP3: Claims 1-17

DP4: Claims 21-27, 29-36, 38-44, 46-76, and 78-91

DP5: Claims 1-4

DP6: Claims 1-16

DP7: Claims 1-25

DP8: Claims 1-16

DP9: Claims 1-16

DP10: Claims 1-18

DP11: Claims 1-8, 10-16, 18-23, and 26-41

4. The Count requires storing purchasing history criteria comprising "purchases of specific triggering products including competing products, related products as well as selective

or general cumulative purchase behavior." This limitation is not found in any of the claims now designated as corresponding substantially to the Count.

5. The Count requires that prior transactions be defined by "transaction data and UPC of products purchased." This limitation is not found in the following claims now designated as corresponding substantially to the Count:

O'Brien: Claims 1, 3-6, 8, 10, 13-16, 18, 23-44, and 51-53

DP1: Claims 1-11 and 15-23

DP2: Claims 5-8 and 14-23

DP4: Claims 21-27, 29-36, 46-76, and 78-91

DP6: Claims 1-16

DP7: Claims 1-13 and 17-25

DP8: Claims 7-9

DP10: Claims 1-18

DP11: Claims 1-8, 10-16, 18-23, and 26-41

6. The Count is improper under 35 U.S.C. § 112 in that it is inconsistent to identify "data relating to the shopping transaction (current)" as "shopping history data of each customer." The "shopping history data" is in the cumulative "centralized database" which is created from cumulative prior transactions.

7. The Count is too broad to be patentable to either party in view of inclusion of the phrase "or at some time in the future." The article entitled "A New Dimension in Marketing," published May 1987 in Progressive Grocer (Deaton Exhibit 1001), describes a system for accumulating a database of customer purchases and using such database to provide incentives to the

customer through direct mail at a time in the future. In order for a claim to encompass a future incentive and still be patentable, it would require inclusion of other limitations not found in the Count.

REASONS WHY REQUESTED RELIEF SHOULD BE GRANTED

In accordance with the guidelines set forth in Orikasa v. Oonishi, 10 U.S.P.Q.2d 1996 (Comm'r Pat. 1989) (a copy of which is attached hereto), "a count should be drawn broad enough to include all patentable subject matter falling within all claims designated to correspond to the count." Id. at 2000 n.9 (emphasis in original). This is in accord with 37 C.F.R. § 1.601(f) which provides:

At the time the interference is initially declared, a count should be broad enough to encompass all of the claims that are patentable over the prior art and designated to correspond to the count.

Proposed Count I set forth above is a proper count for the interfering subject matter and is broad enough to encompass the common patentable subject matter corresponding to the Count in interference.

Deaton suggests that the subject matter corresponding to the Count and Proposed Count I is a method or system for providing targeted promotions to a customer in a retail establishment by (1) identifying customers by a unique code; (2) capturing transaction data associated with an identified customer; (3) creating a database of prior transaction data correlated with the unique customer code; (4) during a current transaction analyzing the prior transaction data

associated with a customer in the database; and (5) providing a customer response according to the database analysis during the transaction, the response including information for effecting a targeted promotion to the customer.

Proposed Count I defines an invention that is patentable over the prior art and corresponds to claims that have been granted in Deaton U.S. Patents 5,621,812 (DP4) and 5,388,165 (DP8) and to claims that are allowable in Deaton U.S. Patent Application Serial No. 08/935,116, as discussed in Deaton Miscellaneous Motion 2, filed concurrently herewith. In addition, Proposed Count I corresponds to claims of the O'Brien application.

Proposed Count I is patentable over the Exhibit 1 article from Progressive Grocer because it defines a method for targeted marketing utilizing computer-stored data for each customer, wherein the data relating to prior transactions of the customer is accessed and analyzed while the customers is at the point of sale, and wherein a response is provided to the point-of-sale terminal which provides information useful for effecting a targeted marketing program. The article is limited to and suggests only analysis of the database off-line in support of a subsequent direct mail promotion.

Proposed Count I defines the same invention as the Count, but encompasses the subject matter defined by all the corresponding claims. Proposed Count I does not include the limitations of the Count that are not found in corresponding claims as enumerated above, and is accordingly an appropriate count for this interference under Orikasa v. Oonishi and 37 C.F.R. § 1.601(f).

Proposed Count I further overcomes the indefinite aspects of the Count as set forth in Factual Statement paragraph 6, above.

Proposed Count I should be designated as not corresponding to O'Brien Claims 12, 25, 26, and 36 for the reasons given in the Initial Interference Memorandum.

Proposed Count I should be designated as not corresponding to Deaton U.S. Patent 5,621,812 (DP4), Claims 28, 37, 45, and 77, for reasons given in the Initial Interference Memorandum. For a similar reason as that given for Claim 28, Claims 4, 7, 10, 14, 17, and 20, which specify an indication of credit worthiness, should be designated as not corresponding to Proposed Count I.

Proposed Count I should be designated as not corresponding to O'Brien Claim 46 because this claim requires the use of a check or payment instrument as the identification device, and such use of a payment instrument for accumulation and use of a customer database for targeted promotion or marketing would not have been obvious in view of the invention of the claims corresponding to Proposed Count I. Claim 46 properly corresponds to the invention of Proposed Count II, as set forth in further detail in Deaton Preliminary Motion 4. For the same reason, Proposed Count I should be designated as not corresponding to Deaton U.S. Patent 5,621,812 (DP4), Claims 2, 3, 5, 6, 8, 9, 12, 13, 15, 16, 18, 19, 21-27, 29-36, 38-44, 46-62, 64-68, 82-87, and 91; U.S. Patent 5,388,165 (DP8), Claim 2; and Application Serial No. 08/935,116, Claim 16, because these claims specify the use of a check or payment instrument as the identification device.

Proposed Count I should be designated as not corresponding to O'Brien Claims 20 and 56-59 because these claims are directed to a novel and unobvious improvement over the invention defined by the claims corresponding to Proposed Count I. These claims specify (1) first and second shopping history criteria, which are related to (2) first and second incentive data or values, which are different, (3) the issuance of coupons representing preselected promotions on

preselected products, where the coupons comprise the incentive value determined by the first and second criteria, and (4) the coupons are issued for products previously purchased by the customer. The separate patentability of these claims, which properly correspond to Proposed Count III, is addressed in further detail in Deaton Preliminary Motion 5. For the same reasons, Proposed Count I should be designated as not corresponding to Deaton U.S. Patent 5,388,165 (DP8), Claims 12-15.

Proposed Count I should be designated as not corresponding to O'Brien Claims 21 and 61-67 because these claims are directed to an invention that is an unobvious modification of the invention defined by the claims corresponding to Proposed Count I. In particular, these claims are directed at the use of infrequent product purchase criteria applied to the customer's shopping history database for purposes of formulating an incentive to entice the customer to return to the establishment and purchase such products. The eligibility for an incentive is based on the customer having purchased specific products infrequently, and the incentive is related to the specific product for which the customer has an infrequent purchase history. These novel and specific incentive criteria are not suggested by the invention of the Count or Proposed Count I. The separate patentability of these claims, which properly correspond to Proposed Count IV, is set forth in detail in Deaton Preliminary Motion 6. For the same reasons, Proposed Count I should be designated as not corresponding to Deaton U.S. Patent 5,592,560 (DP2), Claims 1-26.

Proposed Count I should be designated as not corresponding to any of the claims of U.S. Patent 5,649,114 (DP1); U.S. Patent 5,687,322 (DP3); U.S. Patent 5,642,485 (DP6); or U.S. Patent 5,644,723 (DP7) because the claims of all of these "echo" patents are addressed to various novel and unobvious techniques which involve analysis of the database records relating to purchases by a particular customer to identify one or more "favorite" products previously purchased by the

customer on the basis of purchase frequency of these products relative to other products purchased by that customer. Further, during ex parte prosecution of these patents, the issue of separate patentability over the claims of U.S. Patent 5,388,165 (DP8) was specifically addressed by the Examiner. (See Deaton Exhibits 1002-1017.) Concurrently-filed Preliminary Motions 7, 9, 12, and 13 seek to designate the claims of these patents as not corresponding to the Count.

Proposed Count I should be designated as not corresponding to any of the claims of U.S. Patent 5,327,508 (DP5) which are separately patentable and therefore do not correspond to the Proposed Count I. The claims of this patent relate to a system wherein the magnetic ink character recognition ("MICR") code on checks is read to establish an identification code for each customer for creating a database of the customer's purchases. Predetermined infrequent product purchasing history criteria are applied to the database to identify products previously, infrequently purchased by that customer and to cause sale promotions for those products to be dispensed to the customer. Nothing in Proposed Count I or the prior art applicable thereto suggests these unique criteria for selecting and formulating incentives. The prior art primarily relies on providing incentives based on what products a customer is currently purchasing and not based on the infrequency of purchase of specific products. Concurrently-filed Preliminary Motion 11 seeks to designate the claims of this patent as not corresponding to the Count.

Proposed Count I should not be designated as corresponding to any of the claims of U.S. Patent 5,201,010 (DP11). This patent includes claims which are drawn to inventions that are separately patentable from Proposed Count I. In particular, all claims of the '010 patent specify systems and methods for creating a database using checking account numbers from checks presented by the customer for payment, and using the database to identify customers who only infrequently

patronize the retail establishment. Targeted marketing to promote more frequent or regular patronage can then be directed to the infrequent customers so identified. Nothing in the art suggests developing a marketing database based on checking account numbers or identifying customers for targeted marketing by identifying infrequent customers in the database. Concurrently-filed Deaton Preliminary Motion 17 seeks to designate these claims as not corresponding to the Count.

Proposed Count I should be designated as not corresponding to Claims 1-16 of U.S. Patent 5,659,469 (DP9). These claims are directed at a specific and unobvious two-stage incentive analysis of customer-specific prior purchase data. The first stage determines a value of a sales promotion, which value is variable and based on the customer's prior purchase volumes in the retail establishment. The second stage designates specific product items for the incentive. The specific product items are selected from items previously purchased by the customer during previous shopping visits to the establishment. Concurrently-filed Preliminary Motion 15 seeks to designate the claims of this patent as not corresponding to the Count.

Proposed Count I should be designated as not corresponding to Claims 1-18 of U.S. Patent 5,638,457 (DP10). These claims are directed at a variable-value incentive system that is not required to be product specific, and may be arranged to incent customers to return to the store to realize the incentive value (e.g., Claim 1), or alternately may provide a discount which is automatically applied to the customer's current order (e.g., Claim 15). The value of the incentive is determined by reference to the customer's dollar volume history during prior transactions. Concurrently-filed Preliminary Motion 16 seeks to designate the claims of this patent as not corresponding to the Count.

CONCLUSION

For the reasons set forth above, Proposed Count I should be substituted for the Count in Interference and designated as corresponding to claims of the parties as set forth herein.

Respectfully submitted,

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BOX INTERFERENCE

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U.S. Patent Nos. 5,649,114; 5,592,560; 5,687,322;
5,621,812; 5,327,508; 5,642,485; 5,644,723; 5,388,165;
5,659,469; 5,638,457; and 5,201,010 (DP1 through DP11)

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Judge Jameson Lee)

DAVID W. DEATON and RODNEY G. GABRIEL
Junior Party,

v.

MICHAEL R. O'BRIEN, GEORGE W. OFF and
TIMOTHY L. CHERNEY
Senior Party.

Patent Interference No. 104,208

COPY

DEATON PRELIMINARY MOTION 4
(to redefine the interfering subject matter by adding Proposed Count II)

PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 1.633(c)(1), Junior Party Deaton et al. (hereinafter "Deaton") hereby moves to redefine the interfering subject matter by adding Proposed Count II, as follows:

Proposed Count II

A method for providing services or promotions to customers in a retail establishment, comprising the steps of:

entering into a point-of-sale terminal an account number from a payment instrument presented by a customer, and using said account number as a unique identification code for the customer;

entering into said terminal transaction data relating to the customer's shopping transactions;

generating and maintaining a database, including the step of correlating said transaction data with said unique identification code, said transaction data including data from at least one past transaction of each customer; and

using said database to effect customer services which include targeted marketing and/or promotions, said using step including the step of analyzing said transaction data of the customer.

**DESIGNATION OF CLAIMS CORRESPONDING AND
NOT CORRESPONDING TO PROPOSED COUNT II**

Deaton proposes the following designation of claims relative to Proposed Count II:

Senior Party O'Brien et al. (hereinafter "O'Brien") U.S. Application Serial No. 08/498,654, Claim 46, should be designated as corresponding substantially to Proposed Count II.

O'Brien U.S. Application Serial No. 08/498,654, Claims 1, 3-6, 8, 10, 12-21, 23-45, and 47-67, should be designated as not corresponding to Proposed Count II.

Deaton U.S. Patent No. 5,621,812 (DP4), Claims 2, 3, 5, 6, 8, 9, 12, 13, 15, 16, 18, 19, 21-27, 29-36, 38-44, 46-62, 64-68, 82-87, and 91, should be designated as corresponding substantially to Proposed Count II.

Deaton U.S. Patent 5,621,812 (DP4), Claims 1, 4, 7, 10, 11, 14, 17, 20, 28, 37, 45, 63, 69-81, and 88-90, should be designated as not corresponding to Proposed Count II.

Deaton U.S. Patent 5,388,165 (DP8), Claim 2, should be designated as corresponding substantially to Proposed Count II.

Deaton U.S. Patent 5,388,165 (DP8), Claims 1 and 3-16, should be designated as not corresponding to Proposed Count II.

Deaton U.S. Patent Application Serial No. 08/935,116, Claim 16 should be designated as corresponding exactly to Proposed Count II.

Deaton U.S. Patent Application Serial No. 08/935,116, Claims 8-15 should be designated as not corresponding to Proposed Count II.

The claims of the remaining Deaton U.S. Patents in Interference should be designated as not corresponding to Proposed Count II.

EVIDENCE RELIED UPON IN SUPPORT OF THIS MOTION

1. Deaton Exhibit 1001. Article "A New Dimension in Marketing," Progressive Grocer, May 1987.
2. Deaton Exhibit 1002. Amendment dated April 23, 1996 in Application Serial No. 457,299 (DP1).
3. Deaton Exhibit 1003. Office Action dated June 24, 1996 in Application Serial No. 457,299 (DP1).
4. Deaton Exhibit 1004. Supplemental Amendment dated October 21, 1996 in Application Serial No. 457,299 (DP1).
5. Deaton Exhibit 1005. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 457,299 (DP1).
6. Deaton Exhibit 1006. Amendment dated April 23, 1996 in Application Serial No. 457,300 (DP3).
7. Deaton Exhibit 1007. Office Action dated June 24, 1996 in Application Serial No. 457,300 (DP3).
8. Deaton Exhibit 1008. Supplemental Amendment dated October 21, 1996 in Application Serial No. 457,300 (DP3).
9. Deaton Exhibit 1009. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 457,300 (DP3).
10. Deaton Exhibit 1010. Amendment dated April 23, 1996 in Application Serial No. 458,172 (DP6).

11. Deaton Exhibit 1011. Office Action dated June 24, 1996 in Application Serial No. 458,172 (DP6).
12. Deaton Exhibit 1012. Supplemental Amendment dated October 21, 1996 in Application Serial No. 458,172 (DP6).
13. Deaton Exhibit 1013. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 458,172 (DP6).
14. Deaton Exhibit 1014. Amendment dated May 9, 1994 in Application Serial No. 178,052 (DP7).
15. Deaton Exhibit 1015. Office Action dated June 18, 1996 in Application Serial No. 178,052 (DP7).
16. Deaton Exhibit 1016. Supplemental Amendment dated October 21, 1996 in Application Serial No. 178,052 (DP7).
17. Deaton Exhibit 1017. Notice of Allowance and Statement of Reasons for Allowance dated November 13, 1996 in Application Serial No. 178,052 (DP7).

MATERIAL FACTS

1. An interference was declared on July 23, 1998, between O'Brien U.S. Application Serial No. 08/498,654, and Deaton U.S. Patent Nos. 5,649,114 (DP1), 5,592,560 (DP2), 5,687,322 (DP3), 5,621,812 (DP4), 5,327,508 (DP5), 5,642,485 (DP6), 5,644,723 (DP7), 5,388,165 (DP8), 5,659,469 (DP9), 5,638,457 (DP10), and 5,201,010 (DP11).

2. The Notice Declaring Interference, mailed July 23, 1998, sets forth the Count of this interference, and sets forth a designation of which claims from the O'Brien application and from the eleven Deaton patents (DP1-DP11) correspond to and do not correspond to the Count.

3. In concurrently-filed Preliminary Motion 3, Deaton is moving to have the Count of this interference replaced with a substitute count (hereinafter Proposed Count I). In that Motion, Deaton points out that claims of Deaton patents which specify the use of payment instruments for purposes of deriving a customer identification code should be designated as not corresponding to Proposed Count I.

4. In Preliminary Motions 10 and 14, Deaton concurrently moves to have claims specifying checks or payment instruments as the identification instruments in U.S. Patents 5,621,812 (DP4) and U.S. Patent 5,388,165 (DP8) designated as not corresponding to the Count.

5. The O'Brien Application includes Claim 46 specifying that the identification instruments used comprise checks.

REASONS WHY REQUESTED RELIEF SHOULD BE GRANTED

Deaton seeks to add Proposed Count II as an additional count in this interference, on the ground that there are claims in the O'Brien application, in Deaton Patents (DP4 and DP8), and in Deaton Application Serial No. 08/935,116 which correspond to Proposed Count II, and which are directed to subject matter that is separately patentable over the Count, over Proposed Count I, and over claims of both parties that are designated as corresponding to the Count or that are proposed to be designated as corresponding to Proposed Count I.

The Count and Proposed Count I are directed to systems in which a unique identification number is entered for a customer, and is then used to develop and maintain a database which is adapted for use in targeted marketing and/or promotions. The scope of the Count and the scope of Proposed Count I are broad with respect to the type of identification used. The prior art approach for customer identification is to use a customer identification card issued by the retail establishment, such as a "frequent shopper" card, for example, as taught by the article "A New Dimension in Marketing." (Deaton Exhibit 1001.) As described in that article, a customer is required to join a "frequent shopper" program, and is then issued an identification card bearing a printed, or preferably machine-readable, customer identification number. This is commonly called a store identification card, and is issued specifically for the purpose of identifying the customer in the store database, although it may also serve as a check cashing card. However, many customers do not like the idea of having to present a document for the purpose of identifying themselves. More specifically, customers may feel somewhat insulted at the need to present identification, either because they frequent the retail establishment and feel that they should be recognized, or because they feel that they are being tracked in a way which unnecessarily invades their privacy. This is particularly true for customers who are required to present identification in order to effect payment by check, because they may feel that the store does not recognize or trust them, even if their checks have always cleared without difficulty. Further, it is inconvenient for customers to have to carry one or more special cards, especially if several stores patronized by the customers all have their own unique store cards. Moreover, in the case of a store card, customers resent having to take the time to fill out an application form in order to get the store card in the first place, since it is usually viewed as being for the benefit of the merchant rather than for the benefit of the customer.

Proposed Count II is directed to an unobvious improvement over the Count and over Proposed Count I. More specifically, Proposed Count II recites that the unique identification number is obtained from the account number of a payment instrument, such as a check, credit card, or debit card. In prior systems, the account number from a payment instrument was used to obtain credit verification for the purpose of determining whether to accept the payment instrument. It was not, however, used to maintain a database of customer transaction data, serving as the basis for targeted marketing and/or promotions. Typically, such prior credit verification systems relied on communications between the retail establishment and a remote server in order to obtain credit verification. If the retail establishment performed targeted marketing, it was based on a separate local database that was independent of the credit verification function, and thus independent of the account numbers of payment instruments. In contrast, Proposed Count II takes the account number from a payment instrument beyond the credit verification function, in particular by reciting the use of account numbers from payment instruments for the specific purpose of maintaining a database used for targeted marketing and/or promotions by the retail establishment. Even if the subject matter of the Count or Proposed Count I constituted prior art with respect to Proposed Count II, neither would teach or suggest the concept of using the account number from a payment instrument for the purpose of creating and maintaining a database that serves as the basis for targeted marketing and/or promotions by the retail establishment. Accordingly, it is respectfully submitted that the subject matter of Proposed Count II is fundamentally different from that of the Count and of Proposed Count I, and would be separately patentable over the Count and Proposed Count I if they constituted prior art.

There are significant commercial advantages to the invention of Proposed Count II, which are not realized by the invention of the Count or by the invention of Proposed Count I. In particular, participation in the database is automatic by every customer who presents a payment instrument, and customers may be quite unaware that the account number of their payment instrument is being used for any purpose other than credit verification and payment, because the account number of a payment instrument is not normally regarded as "identification" for a store database system. Customers are not required to present any document specifically for the purpose of identification, thereby avoiding the sense of insult which can otherwise result, either because they come regularly to the retail establishment and feel that they should be recognized, or because they feel that they are being tracked in a way which unnecessarily invades their privacy. Moreover, it avoids the reluctance of many customers to take time to fill out an application to obtain a card, and the reluctance of many customers to endure the inconvenience of carrying an additional card. In addition, it is convenient for the store, because it (1) avoids the need to enter the number of or otherwise deal with an additional document, (2) permits the retail establishment to integrate credit verification and targeted marketing/promotions into a single database, and (3) enables the store to gather marketing information on customers who would be reluctant to "join" a store-based program, such as a frequent shopper program. It automatically encompasses the vast majority of customers, because most customers use a payment instrument. (For example, it has been opined that typically up to 85% of customers effect payment with a check. See U.S. Patent 5,621,812, col. 1, lines 59-61.)

In view of the foregoing, it is submitted that it would not have been obvious in view of the Count or Proposed Count I to use the account number from a payment instrument for the purpose of maintaining a database that serves as the basis for targeted marketing and/or promotions

by a retail establishment, and it is therefore respectfully submitted that Proposed Count II should be added to this interference.

Proposed Count II should be designated as not corresponding to O'Brien Claims 12, 25, 26, and 36 for the reasons given in the Initial Interference Memorandum.

Proposed Count II should be designated as not corresponding to Deaton U.S. Patent 5,621,812 (DP4), Claims 28, 37, 45, and 77, for reasons given in the Initial Interference Memorandum. Claims 4, 7, 10, 14, 17, and 20 should be designated as not corresponding to Proposed Count II for the same reason as Claim 28, because these claims specify a credit verification function.

Proposed Count II should be designated as not corresponding to O'Brien Claims 1, 3-6, 8, 10, 13-19, 23, 24, 27-35, 37-45, 47-55 and 60, which are proposed to be designated as corresponding to the invention of Proposed Count I (see Preliminary Motion 3) for the reasons given above. These claims do not specify the use of a payment instrument as the identification instrument. For the same reason, Deaton U.S. Patent 5,621,812 (DP4), Claims 1, 11, 63, 69-76, 78-81, and 88-90, and Deaton U.S. Patent 5,388,165 (DP8), Claims 1, 3-11, and 16, should be designated as not corresponding to Proposed Count II.

Proposed Count II should be designated as not corresponding to O'Brien Claims 20 and 56-59 because these claims are directed to a novel and unobvious improvement over the invention defined by the claims corresponding to Proposed Count II. These claims specify (1) first and second shopping history criteria, which are related to (2) first and second incentive data or values, which are different, (3) the issuance of coupons representing preselected promotions on preselected products, where the coupons comprise the incentive value determined by the first and

second criteria, and (4) the coupons are issued for products previously purchased by the customer. The separate patentability of these claims, which properly correspond to Proposed Count III, is addressed in further detail in Deaton Preliminary Motion 5. Likewise, Proposed Count II should be designated as not corresponding to Deaton U.S. Patent 5,388,165 (DP8), Claims 12-15.

Proposed Count II should be designated as not corresponding to O'Brien Claims 21 and 61-67 because these claims are directed to an invention that is an unobvious modification of the invention defined by the claims corresponding to Proposed Count II. In particular, these claims are directed at the use of infrequent product purchase criteria applied to the customer's shopping history database for the purpose of formulating an incentive to entice the customer to return to the establishment to purchase such products. The separate patentability of these claims, which properly correspond to Proposed Count IV, is further addressed in Deaton Preliminary Motion 6. Likewise, Proposed Count II should be designated as not corresponding to Deaton U.S. Patent 5,592,560 (DP2), Claims 1-25.

Proposed Count II should be designated as not corresponding to any of the claims of U.S. Patent 5,649,114 (DP1); U.S. Patent 5,687,322 (DP3); U.S. Patent 5,642,486 (DP6); or U.S. Patent 5,644,723 (DP7) because the claims of all of these "echo" patents are addressed to various novel and unobvious techniques which involve analysis of the database records relating to purchases by a particular customer to identify one or more "favorite" products previously purchased by the customer on the basis of purchase frequency of these products relative to other products purchased by that customer. Further, during ex parte prosecution of these patents, the issue of separate patentability over the claims of U.S. Patent 5,388,165 (DP8) was specifically addressed by the

examiner, who withdrew a double-patenting rejection based on the '165 Patent. (See Deaton Exhibits 1002-1017.)

Proposed Count II should be designated as not corresponding to Claims 1-16 of U.S. Patent 5,659,469 (DP9). These claims are directed at a specific and unobvious two stage incentive analysis of customer-specific prior purchase data. The first stage is to determine a value of a sales promotion, which value is variable and based on the customer's prior purchase volumes in the retail establishment. The second stage is designation of specific product items for the incentive. The specific product items are selected from items previously purchased by the customer during previous shopping visits to the establishment.

Proposed Count II should be designated as not corresponding to Claims 1-18 of U.S. Patent 5,638,457 (DP10). These claims are directed at a variable value incentive system that is not required to be product specific, and may be arranged to incent customers to return to the store to realize the incentive value (e.g., Claim 1), or alternately may provide a discount which is automatically applied to the customer's current order (e.g., Claim 15). The value of the incentive is determined by reference to the customer's dollar volume history during prior transactions.

Proposed Count II should be designated as not corresponding to Claims 1-5 of U.S. Patent 5,327,508 (DP5). These claims are directed at a targeted marketing system that includes (1) a check reader for automatically reading the magnetic ink character recognition ("MICR") code from checks presented for payment by a customer in order to generate a unique identification code for a customer and (2) a processor which compares a database of prior customer purchases to compare the customer's purchases to predetermined infrequent product purchasing history criterion. These specific limitations define an invention that would not be obvious in view of the invention of

Proposed Count II and the claims corresponding thereto, because there is no suggestion in the prior art to use historical infrequent product purchases as an incentive criterion. Concurrently-filed Preliminary Motion 11 seeks to designate the claims of this patent as not corresponding to the Count.

Proposed Count II should be designated as not corresponding to Claims 1-41 of U.S. Patent 5,201,010 (DP11). These claims are directed at systems and methods for building a database using the MICR codes read from checks presented for payment, and using the database to obtain a list of customers who infrequently patronize the retail establishment. The infrequent customer list can thereafter be used to effectively target these customers for promotional activities to increase their patronage of the establishment. The separate patentability of these claims is further addressed in Preliminary Motion 17.

CONCLUSION

For the reasons discussed above, Deaton respectfully submits that Proposed Count II should be added to this Interference, and Deaton therefore respectfully requests that this motion be GRANTED.

Respectfully submitted,

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